



THE CITY OF NEW YORK  
LAW DEPARTMENT

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Via Facsimile (212) 805-6304

The Honorable Paul A. Crotty  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007-1312

Re: Kevin Harris v. City of New York et al.  
07 CV 11171 (PAC)(KNF)

Your Honor:

I am the Assistant Corporation Counsel in the Office of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for defendant City. Plaintiff has filed the above-referenced complaint, wherein he alleges that on August 24, 2007, he was falsely arrested and imprisoned by New York City police officers. Defendant respectfully requests an extension of the time to answer or otherwise respond to the complaint from its current due date of January 7, 2008 to March 7, 2008<sup>1</sup>. Plaintiff's attorney, Christopher D. Galiardo, has consented to our request.

Defendant has several reasons for seeking an enlargement of time. In accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, defendant requires additional time to investigate plaintiff's allegations. With respect to the false arrest charge, it is our understanding that records pertaining to the underlying criminal action, including police records, may have been sealed pursuant to New York Criminal Procedure Law § 160.50.

Upon ECF notification today, we are advised that the individual defendants sued herein as "Det. Hector Caban," "P.O. Jose Puella" and "Joseph Townsend" were served on December 20, 2007, and that their respective answers are due on January 9, 2008. Without appearing on

<sup>1</sup> We apologize to the Court, and to opposing counsel, for our late submission. The undersigned was on sick leave since December 21, 2007.

MEMO ENDORSED

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their behalf, or waiving any potential defenses, it is respectfully requested that defendants Caban, Puello and Townsend's time to answer or otherwise respond to the complaint also be enlarged to March 7, 2008.

The additional time will enable the City to determine, pursuant to Section 50-k of the New York General Municipal Law, and based on a review of the facts of the case, whether we may represent defendants Caban, Puello and Townsend. See Mercurio v. The City of New York, et al., 758 F.2d 862, 864-65 (2d Cir. 1985) (quoting Williams v. City of New York, et al., 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)).


No previous request for an enlargement of time has been made. Accordingly, we respectfully request that defendants' time to answer or otherwise respond to the complaint be enlarged to March 7, 2008.

Thank you for your consideration in this matter.

Respectfully submitted,

  
Joyce Campbell Privette  
Assistant Corporation Counsel

# SO ORDERED: JAN 10 2008

  
HON. PAULA A. CROTTY  
UNITED STATES DISTRICT JUDGE

cc: Via Facsimile

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